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Summary record of the 2258th meeting
Held at Headquarters, New York, on Wednesday, 16 March 2005, at 11 a.m.

Chairperson: Ms. Chanet

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05-27201 (E)

The meeting was called to order at 11.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant and of country situations

Fourth periodic report of Iceland
(CCPR/C/ISL/2004/4, CCPR/C/83/L/ISL)

1. *At the invitation of the Chairperson, the delegation of Iceland took places at the Committee table.*

2. **Mr. Hannesson** (Iceland), introducing his country's fourth periodic report, affirmed Iceland's continuing commitment to the Covenant, as reflected in the major changes that had been introduced into the country's Constitution and its judicial practice over a period of some five years following submission of its third periodic report. Since that time implementation of the Covenant's provisions had steadily improved in Iceland, and he looked forward to a fruitful exchange with the Committee with a view to yet further improvement.

3. **Ms. Árnadóttir** (Iceland) stressed the continuing progress achieved in implementing the Convention in her country at the judicial level, and highlighted the notable increase in public information and awareness regarding its provisions. A number of new legislative provisions had been introduced in fields within the scope of the Covenant and Iceland had acceded to new international human rights instruments, listed in paragraph 9 of the report. She noted in particular that measures had been taken to offer better support to the victims of violence against women and that, in the light of a legislative amendment, her Government had withdrawn its reservation concerning the status of children born out of wedlock.

4. **The Chairperson** invited the delegation to address questions 1 to 9 on the list of issues (CCPR/C/83/L/ISL).

Implementation of the Covenant rights (article 2 of the Covenant)

5. **Ms. Ragnarsdóttir** (Iceland), in response to question 1, said that six Supreme Court judgements that had taken into account the provisions of the Covenant were listed in detail in the printed reply prepared by the Icelandic authorities. While district courts frequently referred explicitly to the Covenant, the Supreme Court tended in its conclusions to do so implicitly, but no less cogently.

6. On question 2, she drew the Committee's attention to Public Announcement No. 867/2001, which prohibited the provision of financial support in any form or guise for terrorist activity and required all providers of financial services to report any transaction that might be linked to terrorists. In addition, the General Penal Code of Iceland had been amended to criminalize terrorism, defined therein in terms not only of the nature, circumstances and effects of the acts committed but also of their potential to harm a State or international organization. So far no cases had arisen under the new provisions.

Equality of men and women and prohibition of discrimination (articles 3 and 26 of the Covenant)

7. **Ms. Ragnarsdóttir** (Iceland), responding to question 3, said that Iceland's Gender Equality Act was aimed at redressing discrepancies between the wages of men and women. Action was continuing to be taken to reduce further the remaining gender pay gap in both the private and the public sectors, particularly through a public awareness campaign and a complaints procedure under the Gender Equality Complaints Committee. In addition, the Maternity/Paternity Leave and Parental Leave Act of 2000 was designed to lead to a more equal situation in respect of gender-related wage discrimination in the country.

8. **Ms. Árnadóttir**, addressing the question of domestic violence raised in question 4, said that support was offered to victims by the Emergency Reception facility and referred the Committee to the details on admissions provided in table 1 of the written replies. She cited cases where restraining orders had been issued, noting the difficulties encountered in practice, due essentially to the length of the procedure for imposing such orders.

9. **Ms. Ragnarsdóttir** (Iceland), in reply to question 5, said that the incidence of rape in Iceland was not as high as alleged and that institutional and medical arrangements were in place for the support of its victims; good cooperation existed between the police and rape crisis centres. Moreover, in accordance with the 1991 Code of Criminal Procedure, all reported cases were referred to the Director of Public

Prosecutions. Table 3 in the written replies provided full information in that regard.

Prohibition of slavery or forced or compulsory labour (article 8 of the Covenant)

10. **Ms. Árnadóttir** (Iceland), replying to question 6, said that it was difficult to press charges for trafficking in persons, despite comprehensive border controls, as victims often travelled unaccompanied and were unwilling to talk to the authorities. Two out of the three cases of suspected trafficking prosecuted in 2002 and 2003 had resulted in conviction and jail sentences.

11. In 2003 Iceland had launched a national campaign against trafficking in women, aimed at changing the perception of women as commodities and at disseminating information on trafficking, by various means including lectures, publications and awareness-raising regarding the legal rights of foreign women. Iceland had joined in a ministerial statement requiring countries of the region to give political priority to the fight against trafficking in women and to implement, no later than 2005, national action plans against trafficking in human beings.

12. Iceland participated in the Nordic-Baltic Campaign to Combat Trafficking in Women, launched in 2002 by the Nordic countries and Baltic States, and in the Nordic-Baltic Task Force Against Trafficking in Women, a coordination mechanism to enhance the treatment of the issue at the political level in all participating countries.

Right to freedom from torture and conditions of treatment of detained persons (articles 7, 10 and 14 of the Covenant)

13. **Ms. Árnadóttir** (Iceland), replying to question 7, said that Icelandic legislation did not expressly prohibit the admission into evidence of a statement obtained by torture; evaluation of evidence was left to judges. However, article 68 of the Constitution prohibited torture. Under article 70, an accused was presumed innocent until proven guilty, and the burden of proof rested with the prosecution. The Government held that a confession obtained by torture did not provide legal grounds for a conviction. In court, an accused could withdraw a confession obtained by the police during interrogation. Allegations that it had been obtained under torture would be investigated. Confirmation of the allegations would lead to criminal prosecution of the policemen in question and the confession would not be used as a basis for the imposition of criminal sanctions. The Code of Criminal Procedure provided for the resumption of legal proceedings where it could be assumed that any official involved in the investigation or the trial had acted improperly in order to secure a conviction.

14. Replying to question 8, she said that solitary confinement was used only in cases of severe violation of prison regulations. There had been only 29 cases in the last three years; the maximum period of confinement had been 12 days. Before being so sentenced, a prisoner was referred to a psychologist and a doctor. If determined fit for such a sanction, the prisoner would be regularly monitored and, if necessary, treated for mental and physical problems arising during the period of confinement.

15. Replying to question 9, she said that in Iceland a child could be tried and sentenced at 15 years of age. Offenders between the ages of 15 and 18 years had the right to serve their sentence in a facility run by the Government's child protection agency. During the past five years, there had been on average one juvenile offender per year in the prison system. They were held outside the main national prison, and thus kept well away from adult offenders. Being few in number, they could be easily monitored by prison staff.

16. **The Chairperson** thanked the delegation of Iceland for its replies and invited Committee members to ask any questions they might have concerning questions 1 to 9.

17. **Mr. Lallah**, referring to the delegation's response to question 1, noted that although few cases had been mentioned, he was impressed by the way in which the Covenant had been used to guide the judiciary, and hoped to see more such cases in the future. He asked if the plaintiffs had received any assistance from non-governmental organizations (NGOs). He was concerned about new legislation which required that NGOs, formerly funded via budgetary allocations granted by Parliament, must henceforth seek funding from the executive branch of the Government, submitting applications for the funds. The Icelandic Human Rights Centre, which had done very good work in the past, would thus be funded by the Ministry of Justice. In addition, its budget had been reduced. The potential conflict of interest could put NGO funding at risk. If State policy truly aimed to encourage NGOs, he

wanted to know why the control of their funding had been transferred from Parliament to the executive branch of Government.

18. Referring to question 2, he asked for clarification about the judicial nature of the so-called Public Announcement enacting counter-terrorism measures pursuant to Security Council resolution 1373 (2001), including the Announcement's basis in law and its issuing authority. The Announcement had been issued scarcely two months after the adoption of the resolution, and he wondered whether there had been much public debate on its substance and on the amendments to the General Penal Code when they had been introduced. Also, he wanted to know whether the Government had taken the Covenant into account when considering the Announcement.

19. The definition of terrorism was as elusive as that of sin or anti-social behaviour. It was therefore always important to look into the adverse effects on human rights when confronting deprivation of liberty, suspicion and executive action. He sought confirmation that powers of detention and extradition had not been transferred from the judicial to the executive branch of Government. He wanted to know whether Iceland would allow extradition to countries that imposed the death penalty, practised torture and/or detained suspects without trial. While the delegation had stated that, in Iceland, there had been no prosecutions for measures related to terrorism, he wanted to know if any person or persons had been transferred to other countries for that purpose.

20. The offences cited as being punishable, under article 100 (a) of the General Penal Code, by a maximum penalty of life in prison, e.g. causing considerable fear among the public, were vague and open to subjective interpretation. He asked for clarification of "illegally forc[ing] Icelandic ... [or] foreign authorities or international organizations to take action or to remain passive" and wondered whether peaceful demonstrations that degenerated in the same manner as those surrounding the World Trade Organization meeting in 1999 would fall within that definition.

21. Causing a "threat to traffic safety, ... to public transport or causing considerable damage to property", one of the acts deemed to be a necessary component of the aforementioned offences under article 100 (a), could be subjectively construed. He was concerned that it might be invoked to restrict the normal exercise of rights in a democratic society, such as peaceful protests. States were required to protect demonstrators, yet the amendments to the Penal Code were so broad as to jeopardize the whole concept of public demonstration. He wanted to know whether the law could become a serious threat to those who already feared to exercise their rights in a democratic society.

22. **Sir Nigel Rodley** said he had not heard a better argument for Iceland's system for juveniles than that there had been an average of only one juvenile in the prison system in the past year. It was therefore very difficult to recommend that Iceland should review its reservation to article 10.

23. It had been the Committee's long-held practice to interpret article 7 of the Covenant as requiring the inadmissibility in judicial proceedings of statements extracted by means of torture or cruel, inhuman or degrading treatment or punishment. It was clear from Iceland's response that, whatever the nuances, that was not currently the case in Iceland. It had also been indicated that it was possible to ensure that nobody was convicted solely on the basis of a confession wrongfully extracted, but that was rarely the case, which did not mean, however, that that could not be an important part of a case, particularly if corroborative information was elicited. Furthermore, Iceland's response that someone could recant a confession and state in court that such confession had been unlawfully obtained, clearly indicated that the burden of proof was on the accused seeking to recant, rather than the other way round. Indeed, the burden should be on the prosecution to show that the confession or other information had not been obtained by improper means, but was a statement given freely. In that regard, he wondered whether the delegation could provide any information relating to the investigation and prosecution of law enforcement personnel in relation to the use of procedures that would be incompatible with article 7 of the Covenant.

24. **Mr. Wieruszewski** commended the State party on the quality of its report, which had been prepared in accordance with the Committee's guidelines. However, it needed to update its core document (HRI/CORE/1/Add.26). He wondered why no information had been received from any non-governmental organizations during the current reporting period. Noting that women received 70 per cent of men's wages, he said that the measures taken to

close the gender pay gap were not as effective as could have been expected. Why were women still underrepresented in elected office, senior positions, academia and the diplomatic services, among others? In that regard, he would appreciate more information about the implementation of the new Act on Birth Vacations and Parental Vacations, which could be replicated in other countries.

25. It would be appreciated if the delegation could provide data on complaints filed by victims of discrimination and the action taken thereon. What action was being taken to make restraining orders more effective in order to provide better protection for victims of domestic violence? He would welcome more details on Iceland's national action plan against trafficking in human beings. The delegation should also indicate whether the organizations that offered assistance to victims of trafficking and sexual offences had sufficient funding for their tasks.

26. **Mr. Solari Yrigoyen** asked whether Iceland had had any thought to lift the remaining reservations it had imposed on its accession to the Covenant. He would also like to know whether any progress had been made on the plan by the Ministry of Justice to incorporate the provisions of the Covenant into domestic law mentioned in the 1988 report. He appreciated the delegation's candidness in discussing persistent gender-linked differences in pay and the small number of women in high posts in business and academia, and hoped more progress on that front would be announced in the next report. More information would be welcome on why relatively light sentences were imposed in cases of sexual violence and rape. He asked why there were restrictions on appeals against sentences for minor crimes; appeals in such cases, but not in more serious ones, apparently required authorization by a higher court, which would seem to diminish the right of appeal. He was also concerned about the fact that judges could freely evaluate whether a confession had been given freely, as there was no legislation governing that review. With regard to article 10 of the Covenant, he asked whether there had been cases of violence against and among detainees and what the causes of such violence were.

27. **Mr. Kälin** said he shared Mr. Lallah's concern about a possibly excessively broad definition of terrorism and Sir Nigel's concern about the lack of institutional separation of adult and juvenile detainees, which also was the subject of Iceland's reservation to article 10, paragraph 2, of the Covenant. In view of the very small number of juvenile detainees, it would not be difficult to establish some sort of separate facility, which would allow Iceland to lift that reservation. With regard to question 5 and the allegedly high incidence of rape, he pointed out that the small number of prosecutions relative to the number of cases reported seemed to send the message to women that the Government was unable or unwilling to protect them.

28. **Mr. Amor** said he shared Mr. Lallah's concern about a definition of terrorism that was too vague and could, therefore, support prosecutions of a wide variety of activities that were merely public expressions of opinion. He asked for details of how the many international human rights instruments that Iceland had ratified worked together with its Constitution and domestic legislation. Not all the protections in the Covenant were covered by the Icelandic Constitution and domestic legislation. Furthermore, did international obligations prevail over domestic laws, as the Vienna Convention on the Law of Treaties required? Finally, he expressed his particular concern about Iceland's reservation with regard to article 20 of the Covenant. In that connection he drew the delegation's attention to the Committee's general comment No. 11 on article 20 and general comment No. 29 on derogations during a state of emergency. The Icelandic authorities charged with decisions and reviews regarding international human rights instruments should review their criteria and Iceland's position with regard to the several outstanding reservations in the light of those general comments.

29. **Mr. Bhagwati** expressed concern about the safeguards and procedures for admitting confessions. The burden was now on the accused to show that his confession had not been freely given, but there were so many ways to coerce a detainee into confessing. Confessions made before the police alone, in particular, needed very careful examination. He also shared the concern of other members with regard to Iceland's reservations on article 10 and the treatment of juvenile detainees. The number of such detainees was so small that the State party could surely comply with the article and lift its reservation. Noting the reference in paragraph 52 of the report to a new Act on the Protection of Children and to an amendment to the Police Act, both strengthening protections afforded children, he asked how many cases had been brought under the new legislation. With reference to

paragraph 80 of the report, he asked how the rights and duties of judges had been changed and whether they had security of tenure. He requested more information on the new Judicial Council and its composition. How were Supreme Court judges appointed, did they have security of tenure and how could they be removed?

The meeting rose at 12.45 p.m.